

REMARKS

Reconsideration and further examination is respectfully requested.

Extension of Time

Applicant requests an extension of time under 37 CFR 1.136(a) for response to the above referenced office action. Any late fees due are to be charged to the deposit account 502,083 of the applicant's agent, Mark Nowotarski.

Interview summaries

Applicant thanks the examiner for the courtesy extended during the phone interviews of November 9, 2004 and January 5, 2005. In said interviews, the examiner agreed that the rejections based on Jenkins (US 2003/0104857 A1) would be overcome if the applicant could show support for the claims in an antedating provisional to which the instant application claims benefit. Applicant will show said support below.

The examiner further requested that the claims be amended to more clearly show that said claims were carried out by an entity offering a game. Applicant has cancelled the prior claims under consideration and has submitted new claims to comply with the examiner's request.

The examiner also requested that a new drawing be provided which more clearly shows the steps of the invention. Applicant has provided new Figure 4 and has amended the specification to comply with the examiner's request. No new matter has been added.

Amended Specification

An amended specification has been submitted. The lines of the specification have been numbered to facilitate examination. A number of misspelled words have been corrected. Explanatory notes regarding new Figure 4 have been added along with references to the labeled elements of Figure 4. Said notes and references are generally found from lines 273 to 373 of the amended specification.

The sentence "The assets would then be disbursed 435 to said players" has been added to the specification at line 370. This statement is inherent in the prior statement that said assets have a maturity (line 351). Said statement, therefore, does not add new matter.

Amended Drawings

Figure 1 has been amended to add the element numbers 55 and 65. Said elements are referred to in line 119 of the amended specification. Said amendment, therefore, does not add new matter.

Figure 4 has been added at the request of the examiner. Figure 4 more clearly shows the steps and transfer of financial consideration (e.g. money) in an exemplary embodiment of the present invention. Figure 4 does not add new matter.

Provisional Application

A copy of the US provisional application entitled "Enhanced Gaming System", application number 60/260547, filed January 8, 2001, has been attached to assist examination. The instant application claims priority to said provisional.

Amended Claims

All previously pending claims have been cancelled without prejudice. New claims 42 to 49 have been added. Claim 42 is an independent claim. Claims 43 to 49 depend upon claim 42.

Support for claims 42 to 49 can be generally found in lines 273 to 373 of the amended specification and on pages 3 to 5 of the aforementioned provisional application 60/260,547.

Claim 42, steps a – e: Referring to said provisional unless otherwise indicated, support for claim 42 steps a to e is found on page 5, third paragraph wherein it states that the invention may comprise a "combination lotteries/savings bond drives". "Lotteries" as used in the present context at least in part means that:

- Claim 42, step a: an entity offers to sell tokens (e.g. lottery tickets) to a plurality of players (e.g. the public);
- Claim 42, step b: the entity offering said tokens receives financial consideration (e.g. payment of cash) in accordance with the price per token and the number of tokens sold;
- Claim 42, step c: said entity allocates a portion of the received financial consideration to a prize pool from which prizes will be paid;
- Claim 42, step d: said entity will conduct said game to select possibly one or more winning tokens (e.g. winning lottery numbers); and
- Claim 42, step e: said entity will award prizes from said prize pool to the owners of the winning tokens (e.g. the holders of winning lottery tickets) if any of the tickets are winning tickets (e.g. someone has won the lottery).

Claim 42, step f: Support for step f is found on page 3 second paragraph of said provisional wherein it states "...if the RV is 50%...what the player actually receives is ... a receipt worth \$250 that is linked to a financial instrument with a positive expected rate of return." This is an example of allocating a second portion of said financial consideration (e.g. \$250) to purchase (e.g. "link to") assets having a positive expected rate of return (e.g. a financial instrument with as positive expected rate of return).

Claim 42, step f (cont.): Additional support for step f is found on page 5 first paragraph of said provisional application wherein it states "Such an EGS might well have a higher expected return than many conservative investments". A person of ordinary skill in the art will understand that if the inventive game (EGS) has a higher expected return than

many conservative investments, then the assets purchased in said game would necessarily have an expected value greater than the initial purchase price of the tokens (said financial consideration) less the return of any prize pool.

Claim 42, step g: Support for step g is found on page 4 paragraph 2 of said provisional wherein it states “RV investments would include...”. A person of ordinary skill in the art would understand that making an investment is the same as purchasing an asset.

Claim 42, step h: Support for step h is found on page 3 paragraph 2 wherein it states “what the player actually receives is ...a receipt worth \$250 that is linked to a financial instrument”.

Claim 42, step i: Support for step i is found on page 4 paragraph 3 of the provisional wherein it states “The expected return from EGS would be a function of the...holding period of the RV”. It would be understood by a person of ordinary skill in the art that if an asset (RV) has a holding period, then the entity holding the asset is committed to provide the cash value of said asset at the end of said holding period (said period of time).

Claim 43: Support for claim 43 is found on pages 2 and 3 of said provisional wherein it states that said games (EGS) comprise “EGS casinos”, “EGS Internet Betting”, and “EGS Lotteries”.

Claim 44: Support for claim 44 is found on page 3, paragraph 2 of said provisional wherein it states “The receipt...may be paper-based, or stored in an electronic...data storage device”.

Claim 45: Support for claim 45 is found on page 3, paragraph 2 of said provisional wherein it states, "...if the RV is 50%...".

Claim 46: Support for claim 46 is found on page 4, paragraph 1 of said provisional.

Claim 47: Support for claim 47 is found on page 4, paragraph 4 to page 5, paragraph 1 of said provisional.

Claim 48: Support for claim 48 is found in line 262 of the amended specification.

Claim 49: Support for claim 49 is found in line 221 of the amended specification.

Claim Rejections – 35 USC 102

The examiner has rejected prior claims 6, 8, 10, 11, 13-19, and 33 - 41 under 35 USC 102(e) as being anticipated by Jenkins, US 2003/0104857 A1. Said claims have been cancelled without prejudice.

Current independent claim 42 is supported by provisional application 60/260547. Said provisional application was filed on January 8, 2001. The instant application claims the benefit of said provisional application. Jenkins was filed December 5, 2001. Claim 42, therefore cannot be rejected under 35 USC 102(e) as being anticipated by Jenkins.

Claims 43 to 48 depend on claim 42 and likewise cannot be rejected as being anticipated by Jenkins.

Claim Rejections – 35 USC 103

Claims 6-19 and 33 to 41 have been rejected under 35 USC 103. Said claims have been cancelled without prejudice.

Current independent claim 42 is supported by provisional application 60/260547. Said provisional application was filed on January 8, 2001. The instant application claims the benefit of said provisional application. Jenkins was filed December 5, 2001. Claim 42, therefore cannot be rejected under 35 USC 103 as being obvious in light of Jenkins.

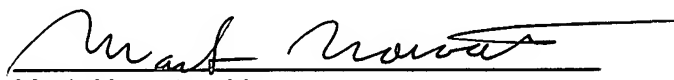
Claims 43 to 48 depend on claim 42 and likewise cannot be rejected as being obvious in light of Jenkins.

The applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mark Nowotarski, Applicant's Agent at 203 975 7678 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

April 21, 2005
Date


Mark Nowotarski
Attorney/Agent for Applicant(s)
Reg. No. 47828

Mark Nowotarski
Markets, Patents & Alliances LLC
30 Glen Terrace
Stamford, CT 06906-1401
Tel. 203 975 7678



REPLACEMENT DRAWINGS

Applicant: Marc Groz

Application No.: 10/043,071

Filed: 8 Jan. 2002

For: Method and System for Increasing Expected Rate of Return and Maximum Payout in a Game with One or More Players

Examiner: Michael O'Neill

Art Unit: 3713

Docket No.: MG022704USNP

Agent:
Mark Nowotarski
Markets, Patents & Alliances LLC
30 Glen Terrace
Stamford, CT 06906-1401
tel 203 975 7678
fax 203 973 0010
mnowotarski@marketsandpatents.com

Date: April 21, 2005

To:
Mail Stop – Amendment
Commissioner for Patents
Group Art Unit 3713, Examiner Michael O'Neil
P.O Box 1450
Alexandria, VA 22313-1450

Examiner,

Please replace the drawings of the instant application with the attached clean copies.

Figure 1 has been amended to show elements 55 and 65.

Figure 4 is new.

No new matter has been added.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mark Nowotarski", with a long horizontal flourish extending to the right.

Mark Nowotarski,
Reg. No. 47,828
Agent for the Applicant